

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Charlie Hartford	Team: Squad #16	CCRB Case #: 201709960	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/19/2017 12:32 AM, Friday, 12/01/2017 , Saturday, 12/01/2018	Location of Incident: [REDACTED]	Precinct: 75	18 Mo. SOL 5/19/2019	EO SOL 5/19/2019	
Date/Time CV Reported Fri, 12/01/2017 5:34 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 12/01/2017 5:34 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT David Grieco	03830	940216	PSA 2
2. An officer			
3. POM Jonathan Frith	07626	953885	PSA 2
4. DT3 John Lamariana	2346	949194	GANG BN
5. DT2 Amjad Kasaji	06901	939768	GANG BN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 John Lamariana	Abuse: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective John Lamariana stopped the vehicle in which § 87(2)(b) and individuals were occupants.	[REDACTED]
B.DT2 Amjad Kasaji	Abuse: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective Amjad Kasaji stopped the vehicle in which § 87(2)(b) and individuals were occupants.	[REDACTED]
C.DT3 John Lamariana	Abuse: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective John Lamariana frisked individuals.	[REDACTED]
D.DT2 Amjad Kasaji	Abuse: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective Amjad Kasaji frisked individuals.	[REDACTED]
E.DT3 John Lamariana	Abuse: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective John Lamariana interfered with § 87(2)(b)'s use of a recording device.	[REDACTED]
F.DT3 John Lamariana	Abuse: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective John Lamariana searched the vehicle in which § 87(2)(b) and individuals were occupants.	[REDACTED]
G.SGT David Grieco	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, Sergeant David Grieco stopped the vehicle in which § 87(2)(b) and individuals were occupants.	[REDACTED]
H.POM Jonathan Frith	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, Police Officer Jonathan Frith stopped the vehicle in which § 87(2)(b) and individuals were occupants.	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
I. An officer	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, an officer stopped the vehicle in which § 87(2)(b) and individuals were occupants.	
J.SGT David Grieco	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, Sergeant David Grieco frisked § 87(2)(b)	
K.SGT David Grieco	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, Sergeant David Grieco frisked an individual.	
L.POM Jonathan Frith	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, Police Officer Jonathan Frith frisked individuals.	
M.POM Jonathan Frith	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, Police Officer Jonathan Frith searched the vehicle in which § 87(2)(b) and individuals were occupants.	
N.SGT David Grieco	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, Sergeant David Grieco searched the vehicle in which § 87(2)(b) and individuals were occupants.	
O. An officer	Discourtesy: On December 1, 2017, at § 87(2)(b) in Brooklyn, an officer acted discourteously toward § 87(2)(b)	
P. An officer	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, an officer threatened to arrest § 87(2)(b)	
Q. An officer	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, an officer threatened to arrest individuals.	
R. An officer	Abuse: On December 1, 2017, at § 87(2)(b) in Brooklyn, an officer interfered with § 87(2)(b)'s use of a recording device.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On December 1, 2017, § 87(2)(b) filed this complaint with the CCRB via the automated call service. On the same date, § 87(2)(b) filed a complaint with IAB via telephone under original log # 17-47877.

On November 19, 2018, at approximately 12:32 p.m., in the vicinity of § 87(2)(b) in Brooklyn, Detective John Lamariana and Detective Amjad Kasaji of Brooklyn North Gang Squad stopped § 87(2)(b)'s vehicle, in which unidentified individuals were also occupants.

(Allegations A and B: Abuse of Authority, § 87(2)(g)). Det. Lamariana and Det. Kasaji frisked the occupants of the vehicle with the exception of § 87(2)(b) **(Allegations C and D: Abuse of Authority, § 87(2)(g))**. Det. Lamariana allegedly interfered with § 87(2)(b)'s ability to record the interaction **(Allegation E: Abuse of Authority, § 87(2)(g))**.

Det. Lamariana searched § 87(2)(b)'s vehicle **(Allegation F: Abuse of Authority, § 87(2)(g))**. § 87(2)(b) and her companions were not arrested or issued summonses.

On December 1, 2018, at approximately 4:28 a.m., in the vicinity of § 87(2)(b) in Brooklyn, Sergeant David Grieco and Police Officer Jonathan Frith of PSA 2 stopped § 87(2)(b)'s vehicle, in which unidentified individuals were also occupants **(Allegations G and H: Abuse of Authority, § 87(2)(g))**. An unidentified officer of an unknown command also participated in the stop **(Allegation I: Abuse of Authority, § 87(2)(g))**. Sgt. Grieco allegedly frisked § 87(2)(b) and another individual, while PO Frith frisked two of the vehicle's other occupants **(Allegations J-L: Abuse of Authority, § 87(2)(g))**. Sgt. Grieco and PO Frith searched § 87(2)(b)'s vehicle **(Allegations M and N: Abuse of Authority, § 87(2)(g))**. The unidentified officer shined a flashlight in § 87(2)(b)'s face for an extended period of time **(Allegation O: Discourtesy: § 87(2)(g))**. The same unidentified officer allegedly threatened to arrest § 87(2)(b) and her companions and told § 87(2)(b) not to use her phone to record the interaction **(Allegations P, Q and R: Abuse of Authority, § 87(2)(g))**. § 87(2)(b) and her companions were not arrested or issued summonses.

§ 87(4-b), § 87(2)(g)

This case contains video evidence. Please note that this footage can be reviewed at Board Reviews 09 and 10, while transcriptions of this footage can be found at Board Reviews 32 and 33.

Findings and Recommendations

Allegation (A) Abuse of Authority: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective John Lamariana stopped the vehicle in which § 87(2)(b) and individuals were occupants.

Allegation (B) Abuse of Authority: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective Amjad Kasaji stopped the vehicle in which § 87(2)(b) and individuals were occupants.

It is undisputed that Det. Lamariana and Det. Kasaji stopped § 87(2)(b)'s vehicle.

§ 87(2)(b) stated during her CCRB interview that on November 19, 2018, at approximately 12:32 p.m., she and three unidentified individuals were pulled over by two plainclothes officers in an unmarked vehicle on § 87(2)(b) (Board Review 01). Prior to being pulled over, § 87(2)(b) had made a right turn from the far right lane coming off § 87(2)(b) onto § 87(2)(b) (Board Review 02). During the interaction, § 87(2)(b) asked an officer, identified by the investigation as Det. Lamariana, why she had been pulled over and was told that she had made a “wrong turn” onto § 87(2)(b) and that she had done something “unsafe” (Board Review 01).

The CCRB was not able to obtain statements from § 87(2)(b)'s passengers, as § 87(2)(b) declined to provide their names or contact information to the investigation.

Det. Lamariana stated in his CCRB interview that § 87(2)(b) was pulled over she was driving in excess of the speed limit and because she made a right turn onto § 87(2)(b) from the far left of four lanes coming off § 87(2)(b) (Board Review 04). Det. Kasaji stated that § 87(2)(b) was additionally “zig-zagging” through traffic in an unsafe manner, and was otherwise consistent with Det. Lamariana (Board Review 05).

Det. Lamariana and Det. Kasaji are both members of Brooklyn North Gang Squad. In the course of his CCRB interview pursuant to the second incident addressed in this case, Sgt. Grieco identified § 87(2)(b) as a gang member who is well known within the confines of the 75th Precinct (Board Review 07).

§ 87(2)(g)

Allegation (C) Abuse of Authority: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective John Lamariana frisked individuals.

Allegation (D) Abuse of Authority: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective Amjad Kasaji frisked individuals.

§ 87(2)(b) stated in her interview that during the incident, Det. Lamariana instructed her to exit her vehicle so that it could be searched (Board Review 01). Upon doing so, § 87(2)(b) observed her companions on the other side of the vehicle being patted down by another officer, identified by the investigation as Det. Kasaji. § 87(2)(b) only observed this “for a second,” and was not

frisked during the interaction. During a follow up phone call, § 87(2)(b) denied that either she or her companions were in possession of marijuana during the incident (Board Review 02).

Det. Lamariana stated during his CCRB interview that he and Det. Kasaji approached the driver and passenger sides of § 87(2)(b)'s vehicle, respectively (Board Review 04). As they approached, Det. Lamariana and Det. Kasaji both smelled the odor of marijuana emitting from the vehicle. Det. Lamariana asked the individuals inside whether there was "anything in the car," at which time one of the individuals inside stated that they were in possession of marijuana. Det. Lamariana then asked the vehicle's occupants to step out of the vehicle. As they exited, Det. Lamariana and Det. Kasaji frisked the individuals who exited the vehicle for personal safety. Det. Lamariana did not recall who was frisked by each officer, but stated that all of the individuals were frisked by himself and by Det. Kasaji. Det. Lamariana did not observe anything during the interaction which led him to fear for his safety; however, Det. Lamariana stated that the ratio of civilians to officers led to a potential safety concern. Det. Lamariana did not recall observing any bulges on these individuals' persons during the interaction. The frisks returned negative results for contraband.

§ 87(2)(g)

■ In addition to detecting the odor of marijuana, Det. Kasaji also observed that one of the civilians in the back of the car was moving from side to side as he approached. Additionally, when Det. Kasaji got to the front of the car, he observed the front passenger lean down towards the floor of the vehicle and then pulled himself back. Det. Kasaji asked the passenger who was moving from side to side in the vehicle to stop moving, at which time the passenger informed Det. Kasaji that he was moving in this manner because he had to use the restroom. Det. Kasaji never learned why the front passenger of the vehicle was leaning forward in the car earlier during the interaction. Det. Kasaji also observed a "green leafy substance" that resembled loose marijuana on the floor of the front passenger's seat. After the civilians exited the vehicle, Det. Kasaji also observed that two of the male passengers had bulges in their pockets. Det. Kasaji stated that he frisked these civilians to ensure his safety. During the frisk, Det. Kasaji determined that one of the bulges appeared to be a phone, while the other appeared to be a set of keys. Aside from these bulges and the movements of the passengers while they were in the car, nothing else during the interaction led Det. Kasaji to fear for his safety.

In People v. Cuffie, 109 A.D.3d 1200, the Supreme Court of New York, Appellate Division, Fourth Department notes that "it is well established that '[t]he odor of marihuana emanating from a vehicle, when detected by an officer qualified by training and experience to recognize it, is sufficient to constitute probable cause' to search a vehicle and its occupants" (Board Review 06).

§ 87(2)(g)

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Allegation (E) Abuse of Authority: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective John Lamariana interfered with § 87(2)(b)'s use of a recording device.

§ 87(2)(b) took out her phone to record the interaction and typed in her password, at which time an officer, identified by the investigation as Det. Lamariana, told § 87(2)(b) to put her phone away (Board Review 01). § 87(2)(b) asked why she had to put her phone away and Det. Lamariana replied, "Put your phone away." § 87(2)(b) never explicitly stated to Det. Lamariana that she wanted to record the interaction.

Det. Lamariana did not recall if § 87(2)(b) took out her phone during the interaction or if anyone told her to put her phone away (Board Review 04). Det. Kasaji's statement was consistent with Det. Lamariana's (Board Review 05).

§ 87(2)(g)

Allegation (F) Abuse of Authority: On November 19, 2017, at § 87(2)(b) in Brooklyn, Detective John Lamariana searched the vehicle in which § 87(2)(b) and individuals were occupants.

§ 87(2)(b) stated that while an officer, identified by the investigation as Det. Lamariana, stayed with § 87(2)(b) and her friends near the rear of her vehicle, § 87(2)(b) observed his partner, identified by the investigation as Det. Kasaji, searching the front of her vehicle for marijuana (Board Review 01).

Det. Lamariana stated that after the civilians exited the vehicle, one of the officers watched the civilians while another officer searched the vehicle for marijuana (Board Review 04). Det. Lamariana believed that he was the one who eventually recovered a small amount of marijuana from inside the vehicle. Det. Lamariana could not recall any specific information about from where this marijuana was recovered, including whether it was recovered from the front or the back of the vehicle or whether it was in plain view. Det. Lamariana did not recall if Det. Kasaji assisted in the search.

Det. Kasaji stated that while he remained by the rear of the vehicle with the civilians, he observed Det. Lamariana leaning towards the driver's side of § 87(2)(b)'s car such that his head and upper body were inside of the vehicle (Board Review 05). Det. Kasaji denied entering the vehicle at any point.

Although § 87(2)(b) identified attributed the search of her vehicle to the officer who initially approached the passenger side of her vehicle -- as Det. Kasaji attested to doing -- and stated that the officer who approached her driver side, whom she described as resembling Det. Lamariana remained at the rear of her vehicle during the search, this allegation has been pled against Det. Lamariana because both officers were consistent in stating that he searched the vehicle.

§ 87(2)(g)

Allegation (G) Abuse of Authority: On December 1, 2017, at § 87(2)(b) in Brooklyn, Sergeant David Grieco stopped the vehicle in which § 87(2)(b) and individuals were occupants.

Allegation (H) Abuse of Authority: On December 1, 2017, at § 87(2)(b) in Brooklyn, Police Officer Jonathan Frith stopped the vehicle in which § 87(2)(b) and individuals were occupants.

§ 87(2)(b) stated that on December 1, 2017, she and three unidentified individuals were coming from a party in Canarsie when they were pulled over at the intersection of § 87(2)(b) in Brooklyn by three plainclothes officers driving an unmarked vehicle (Board Review 01). § 87(2)(b) had not been drinking or using drugs at the party, and § 87(2)(b)'s friends had been drinking but not been using drugs. Upon pulling over, § 87(2)(b) was approached on the driver side of the vehicle by Sgt. David Grieco, with whom § 87(2)(b) has had multiple prior interactions and whom § 87(2)(b) knows as "Bullet Head." § 87(2)(b) asked why she was pulled over and was told by Sgt. Grieco that she had failed to stop at two stop signs.

The CCRB was not able to obtain statements from § 87(2)(b)'s passengers, as § 87(2)(b) declined to provide their names or contact information to the investigation.

Sgt. Grieco affirmed that he observed § 87(2)(b)'s vehicle fail to stop at two stop signs on § 87(2)(b) (Board Review 07). Sgt. Grieco additionally alleged that § 87(2)(b) was traveling above the speed limit. Sgt. Grieco stated that he pulled over § 87(2)(b)'s vehicle exclusively for the aforementioned reasons. Sgt. Grieco stated that there was no particular reason why § 87(2)(b) was not issued a summons during the interaction, and that he was in possession of a summons book during the incident. Sgt. Grieco defined the duties of his position as Field Intelligence Officer for PSA 2 as dealing with gang members, and identified § 87(2)(b) as being a known gang member within the 75th Precinct.

PO Frith was consistent with Sgt. Grieco in alleging that § 87(2)(b) ran two stop signs during the interaction (Board Review 08). However, PO Frith made no mention of § 87(2)(b) being observed speeding, and additionally stated that he detected the strong odor of burnt marijuana emitting from § 87(2)(b)'s vehicle prior to the stop, while he was still in the front passenger seat of the police vehicle.

The investigation was unable to identify the third officer who was present during this incident.

§ 87(2)(g)

§ 87(2)(g)

Allegation (I) Abuse of Authority: On December 1, 2017, at § 87(2)(b) in Brooklyn, an officer stopped the vehicle in which § 87(2)(b) and individuals were occupants.

§ 87(2)(b) described two officers who participated in the stop aside from Sgt. Grieco (Board Review 01). The first of these § 87(2)(b) described as a white male, 5'4" in height, in his late 20s or early 30s, of an average build, with short, light brown hair that was approximately an inch long, wearing a red hooded sweater. Of note is the fact that § 87(2)(b) also provided 5'4" as the height of Sgt. Grieco, who is in fact 5'7" tall (Board Review 11). § 87(2)(b) stated that the second officer was a white male, but could not further describe this officer (Board Review 01).

The investigation was able to identify PO Frith as the second of these officers due to the fact that PO Frith attributed to himself the frisks of two of § 87(2)(b)'s companions which § 87(2)(b) attributed to that officer. The investigation was also able to determine that PO Frith was this second officer due to his lack of resemblance to § 87(2)(b) a description of the unidentified officer (Board Reviews 08 and 12).

Neither Sgt. Grieco nor PO Frith recalled the identity of the third partner with whom they were working during the incident (Board Review 07 and 08). Sgt. Grieco stated during his interview that, in addition to PO Frith, he would sometimes work with members of the Anti-Crime team. The PSA 2 roll call for November 31, 2018 indicates that there were six white male officers working Anti-Crime during tour 3 (Board Review 13). Five of these officers were interviewed by the CCRB and were determined to have ended their tours prior to the incident (Board Reviews 14-18). The sixth officer, PO Leon Pedigo, was not interviewed upon it his lack of involvement being determined during the interview of his partner, PO Matthew Ingenito (Board Review 14).

In the course of PO Frith's CCRB interview, PO Frith indicated that in addition to Anti-Crime officers, Sgt. Grieco had previously been known to work with Neighborhood Coordination, or NCO officers, as well as unspecified officers from the 75th Precinct (Board Review 08). § 87(2)(g)

Allegation (J) Abuse of Authority: On December 1, 2017, at § 87(2)(b)

in Brooklyn, Sergeant David Grieco frisked § 87(2)(b)

Allegation (K) Abuse of Authority: On December 1, 2017, at § 87(2)(b)

in Brooklyn, Sergeant David Grieco frisked § 87(2)(b)

Allegation (L) Abuse of Authority: On December 1, 2017, at § 87(2)(b)

in Brooklyn, Police Officer Jonathan Frith frisked individuals.

It is undisputed that PO Frith frisked two unidentified individuals. Sgt. Grieco is depicted by video evidence frisking an unidentified individual.

§ 87(2)(b) stated that as the officers approached her vehicle, an unspecified officer instructed she and the occupants in the vehicle to “stop fidgeting” (Board Review 01). § 87(2)(b) was getting her license and registration at this time, and § 87(2)(b) speculated during a follow up call that this is what the officer was referring to (Board Review 02). § 87(2)(b) did not think the other occupants were moving around. At the driver side of her vehicle, Sgt. Grieco instructed § 87(2)(b) and her friends to exit the vehicle so that it could be searched (Board Review 03). Upon § 87(2)(b) exiting the vehicle, Sgt. Grieco grabbed the unzipped jacket that § 87(2)(b) was wearing on each side around the zipper area, shook the jacket, and felt the pockets of her jacket. § 87(2)(b) observed the officer identified as PO Frith frisk “one or two” of her friends on the other side of the vehicle.

Sgt. Grieco stated that as he approached the driver side of § 87(2)(b)'s vehicle, Sgt. Grieco noted the strong odor of burnt marijuana, and observed a visible cloud of marijuana smoke emanating from the entire vehicle (Board Review 07). Sgt. Grieco has made numerous arrests for marijuana as a member of the NYPD. Upon approaching the vehicle's driver side, Sgt. Grieco noted that the driver of the vehicle was § 87(2)(b) who, as noted above, is well known within the 75th Precinct and with whom Sgt. Grieco has had multiple previous interactions. Sgt. Grieco stated that § 87(2)(b) and her boyfriend are both known members of the Very Crispy Gangsters, a gang active in the 75th Precinct. Sgt. Grieco also stated that § 87(2)(b) has been arrested for possession of a firearm, that he has personally delivered “cease-fire” letters to her residence, and that she was previously shot within the confines of the 75th Precinct during an incident to which Sgt. Grieco had responded. Sgt. Grieco made no specific observations and received no specific information leading him to believe that § 87(2)(b) was in possession of a firearm during the incident. Sgt. Grieco did not know the circumstances under which § 87(2)(b) was shot, and did not recall if he was present for § 87(2)(b)'s arrest, which occurred several years prior. Sgt. Grieco characterized § 87(2)(b) as a “violent person,” though she never been physically violent towards Sgt. Grieco in the past, and Sgt. Grieco clarified that she is known more to be violent “towards the streets” than towards officers. Sgt. Grieco has ever known § 87(2)(b) to have assaulted an officer. Sgt. Grieco also recognized the other individuals inside the car, though not by name, but stated that they were also gang members. Sgt. Grieco did not recall if he had been present when contraband or weapons had been discovered on any of the other individuals in the car. § 87(2)(b) was “very belligerent and agitated,” and was screaming and cursing while waving her hands around at this time.

At § 87(2)(b)'s driver side window, Sgt. Grieco also observed that individuals in the back of the car were fidgeting around and reaching under their seats and in their pockets. Because of this, Sgt. Grieco could not see these individuals' hands, and believed they may have been attempting to conceal something such as a weapon or marijuana. Sgt. Grieco proceeded to instruct all the individuals out of the vehicle so that he could search the vehicle for contraband. Sgt. Grieco believed there was contraband in the car exclusively because of his prior interactions with § 87(2)(b), the odor of marijuana emanating from the vehicle, and his training and experience. Sgt. Grieco made no additional observations which led him to fear for his safety, and did not recall observing any indications suggesting that a weapon was concealed on these individuals. Sgt. Grieco denied frisking § 87(2)(b) and Sgt. Grieco did not recall individuals being patted down or searched as they exited the vehicle.

§ 87(2)(g) As discussed in the previous section, PO Frith also detected the odor of marijuana emanating from § 87(2)(b)'s vehicle. PO Frith also observed that there were four passengers in the vehicle, the rear three of whom were fidgeting and moving their bodies from side to side and up and down in their seats. Solely because the civilians had been making these movements, PO Frith checked two civilians for weapons by running his hand around their waistbands and towards the civilians' ankles. PO Frith did not remember what the civilians were wearing or if he observed any bulges on their persons. During the interaction, Sgt. Grieco informed PO Frith that § 87(2)(b) was a member of the VCGs and that she had been shot during a previous incident.

A query of the NYPD's Booking and Arraignment Disposition System conducted on February 21, 2018 confirmed that § 87(2)(b) was arrested on § 87(2)(b), § 87(2)(a) CPL 160.50 (Board Review 19). § 87(2)(b)'s arrest has since been sealed (Board Review 20).

The allegations addressed in this section are depicted by surveillance footage obtained from a private residence located at § 87(2)(b) in Brooklyn (Board Reviews 09 and 10). Please note that this footage was filmed directly from a video viewing monitor and that the playback speed increases at approximately 4:45:55 p.m. in the first of these videos. A SnagIt clip depicting the portion of footage relevant to these allegations, which has been slowed down to approximate real time, has been placed below (Board Review 21).



201709960_20180724_1210_DM.mp4

§ 87(2)(b)'s interaction with Sgt. Grieco is not clearly depicted in footage from the investigation. However, an officer identified as PO Frith is depicted frisking two individuals on the right side of § 87(2)(b)'s vehicle. Additionally, while it is partially obscured both by § 87(2)(b)'s vehicle and by a flashlight wielded by the unidentified officer in this case, Sgt. Grieco can be seen frisking an unidentified individual on the driver side of § 87(2)(b)'s vehicle between 4:47:43 p.m. and 4:48:20 p.m., and at 4:47:55 p.m. can be seen bending down in a manner consistent with an officer frisking the lower body of a civilian.

Sgt. Grieco was presented with this footage and stated it did not refresh his memory of individuals being frisked during the incident (Board Review 07).

People v Boulware, 130 AD2d 370 [1st Dept 1987], Supreme Court of New York, Appellate Division, First Department held that while "knowledge of a person's past record may, like the highcrime [sic] area factor, be relevant in determining whether a police officer's conduct during a lawful encounter is reasonable," "police officers' belief that defendant was a person known to them to have had gun possession arrests... [is]... an insufficient basis upon which to found an objective suspicion of present criminal activity" (Board Review 22)

In People v. Cuffie, 109 A.D.3d 1200, the Supreme Court of New York, Appellate Division, Fourth Department notes that the odor of marijuana emanating is sufficient to constitute probable cause to search a vehicle and its occupants" (Board Review 06).

Sgt. Grieco stated that he did not recognize the vehicle he stopped during the interaction as § 87(2)(b) until he approached § 87(2)(b)'s driver side; however, this is belied by his extensive experience with § 87(2)(b). Sgt. Grieco's familiarity with § 87(2)(b) is corroborated by § 87(2)(b)'s own testimony and § 87(2)(b)'s arrest history; however, that familiarity alone cannot serve to justify Sgt. Grieco and PO Frith's conduct in this instance (Board Reviews 01, 19 and 22). § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

§ 87(2)(g)

Allegation (M) Abuse of Authority: On December 1, 2017, at § 87(2)(b)

§ 87(2)(b) in Brooklyn, Sergeant David Grieco searched the vehicle in which § 87(2)(b) and individuals were occupants.

Allegation (N) Abuse of Authority: On December 1, 2017, at § 87(2)(b)

§ 87(2)(b) in Brooklyn, Police Officer Jonathan Frith searched the vehicle in which § 87(2)(b) and individuals were occupants.

It is undisputed that Sgt. Grieco and PO Frith searched § 87(2)(b)'s vehicle.

§ 87(2)(b) alleged during her CCRB interview that while an unidentified officer remained behind the vehicle with § 87(2)(b) and her companions, Sgt. Grieco and an officer, identified as PO Frith, searched her vehicle (Board Review 01). § 87(2)(b) alleged that Sgt. Grieco searched the front driver side, the middle console, as well as the trunk of her vehicle, while PO Frith looked in the rear of § 87(2)(b)'s car such that his shoulders broke the threshold of the vehicle.

Sgt. Grieco affirmed during his CCRB interview that he searched § 87(2)(b)'s vehicle for marijuana, including under the seats, in the glove box, in the center console, in the seat pockets, and in the trunk (Board Review 09). Sgt. Grieco had no specific suspicions about where marijuana might be secreted prior to the search. Sgt. Grieco later clarified during his interview that he did not recall exactly who searched which parts of the vehicle, or whether he ever received assistance from another officer in searching the vehicle, but stated that he personally searched "a good part" of the car. Sgt. Grieco did not recall himself or his partners having any belief that there was contraband hidden in the vehicle's hood, denied searching under the hood of the vehicle and did not recall lifting up the vehicle's hood. The search did not result in the recovery of any contraband.

PO Frith's statement was consistent with Sgt. Grieco's (Board Review 08). PO Frith did not recall whether he participated in the vehicle search.

The allegations addressed in this section are depicted by video evidence (Board Reviews 09 and 10). A SnagIt clip of the portion depicting Sgt. Grieco searching § 87(2)(b)'s vehicle has been placed below (Board Review 23). Upon being presented with this footage, Sgt. Grieco stated that it refreshed his memory of the hood of § 87(2)(b)'s vehicle being searched during the incident

(Board Review 07). Both Sgt. Grieco and PO Frith stated during their interviews that they were aware of instances in which marijuana had been recovered from under the hood of a vehicle (Board Reviews 07 and 08).



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Video evidence also appears to depict PO Frith breaking the threshold of the rear passenger side door of § 87(2)(b)'s vehicle at 4:49:40 p.m. (Board Review 24).



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§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (O) Discourtesy: On December 1, 2017, at § 87(2)(b) in Brooklyn, an officer acted discourteously toward § 87(2)(b)

§ 87(2)(b) alleged that the third, unidentified officer who participated in the stop continuously shined his flashlight in her face throughout the interaction. Upon being informed that this was hurting her eyes, the unidentified officer allegedly stated, “I don’t care; I can do whatever I want.”

Sgt. Grieco and PO Frith both did not recall an officer shining their flashlight in § 87(2)(b)'s face or § 87(2)(b) requesting that an officer refrain from doing so during the interaction.

This allegation is depicted by video evidence (Board Reviews 09 and 10). A SnagIt clip has been placed below (Board Review 25). From approximately 4:46:39 p.m. until 4:52:02 p.m, the third unidentified officer who participating in the stop can be seen almost continuously shining a light in the face of a civilian.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (P) Abuse of Authority: On December 1, 2017, at § 87(2)(b) in Brooklyn, an officer threatened to arrest § 87(2)(b)

Allegation (Q) Abuse of Authority: On December 1, 2017, at § 87(2)(b) in Brooklyn, an officer threatened to arrest individuals.

§ 87(2)(b) alleged that while she was standing in the rear of her vehicle with the other unidentified individuals, the unidentified officer told § 87(2)(b) “Stop talking if you don’t want them to go to jail,” and, “If you don’t stop talking, I’ll arrest everyone in the car” (Board Review

01). The same officer also stated, “Oh, if she doesn’t stop talking, I’m going to send the rest of you to jail.” The officer did not provide a reason why § 87(2)(b) or her companions would be arrested. § 87(2)(b) stated that friends were telling her, “Be quiet,” and, “Stop arguing with them before we all go to jail for no reason” at this time.

Sgt. Grieco did not recall any officer threatening § 87(2)(b) or her companions with arrest during the interaction (Board Review 07). PO Frith could not recall any officer telling § 87(2)(b) to stop talking or threatening her with arrest, but recalled her companions telling her to calm down (Board Review 08).

§ 87(2)(g)

Allegation (R) Abuse of Authority On December 1, 2017, at § 87(2)(b)

§ 87(2)(b) in Brooklyn, an officer interfered with § 87(2)(b)'s use of a recording device.

§ 87(2)(b) stated that after the officers had searched her vehicle and she and her companions had returned inside, she asked the unidentified third officer for his shield number (Board Review 01). When the officer provided this information, § 87(2)(b) took out her cell phone to write the information down and to record the interaction, at which time the officer stated, “Don’t use your phone, you can’t use your phone.” No other officer told § 87(2)(b) that she could not use her phone.

Sgt. Grieco stated that when he initially approached § 87(2)(b)'s vehicle, he told her to put her cell phone down because he was concerned that it could be used as a weapon. Sgt. Grieco was asked to elaborate upon how a cell phone could be used as a weapon and stated, “She could throw it at me, she could hit me with it. I’m conducting a car stop, I’m not deeming that the situation is safe yet.” § 87(2)(b) was not doing anything with the phone aside from having it in her hands, which she was waving around while screaming and cursing. Aside from this, no officer told § 87(2)(b) that she could not use her phone during the interaction. § 87(2)(b) never said she was trying to record or write down officers’ identifying information using her phone.

PO Frith did not recall § 87(2)(b) trying to use her phone during the interaction or an officer telling her that she could not use her phone (Board Review 08).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s first CCRB complaint.

Reviewer:

Signature

Print Title & Name

Date